

The Honorable J. Kelley Arnold

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA

RICKEY PERALEZ, on behalf of himself and
others similarly situated,

Plaintiff,

v.

THE WASHINGTON DEPARTMENT OF
CORRECTIONS, HAROLD CLARKE,
DOUGLAS WADDINGTON, BELINDA
STEWART, KEVIN SHANAHAN, JEAN
STEWART, and JOHN DOES 1-20,
employees and officials of the Washington
Department of Corrections and/or Stafford
Creek Corrections Center,

Defendants.

NO. C06-5625 JKA

STIPULATION AND ORDER REGARDING
CLASS DEFINITION

Note for Motion: January 18, 2008

STIPULATION

The parties, by and through their respective counsel, hereby stipulate as follows:

1. On January 8, 2008, the Court heard oral argument on Plaintiff's Motion for Partial summary Judgment;

2. During the oral argument, counsel and the Court discussed amendment of the class definition;

3. The Court thereafter entered an order (Dkt. 56) granting the motion for partial summary judgment and amending the class definition to read as follows:

All otherwise eligible ADA disabled inmates of the Washington Department of Corrections (DOC) who, from October 30, 2003 through January 2008 have been partially or wholly denied participation in the DOC Work Release program provided that a PULHESDXT score of "3" or "4" was a motivating factor in determining the work release denial.

4. Plaintiff's counsel believes the class definition, as amended, should be changed and defendants' counsel does not object to changing the class definition to the following:

All otherwise eligible ADA disabled inmates of the Washington Department of Corrections (DOC) who, from October 30, 2003 through January 2008 have been partially or wholly denied participation in the DOC Work Release Program *by reason of a disability*.

4. Accordingly, the parties stipulate that the Court should enter the subjoined order.

DATED this 17th day of January, 2008.

/s/ Edwin S. Budge

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Attorneys for Plaintiff and the Class

/s/ Mark C. Jobson

Mark C. Jobson, WSBA # 22171
Assistant Attorney General
Attorneys for Defendants

ORDER

The Court has reviewed the foregoing stipulation and, based on that stipulation, hereby orders that the class definition contained in the Court's order of January 8, 2008 (Dkt. 56) is amended to the following:

All otherwise eligible ADA disabled inmates of the Washington Department of Corrections (DOC) who, from October 30, 2003 through January 2008 have been partially or wholly denied participation in the DOC Work Release Program by reason of a disability.

DATED this 23rd day of January, 2008.

/s/ J. Kelley Arnold

The Honorable J. Kelley Arnold
United States Magistrate Judge